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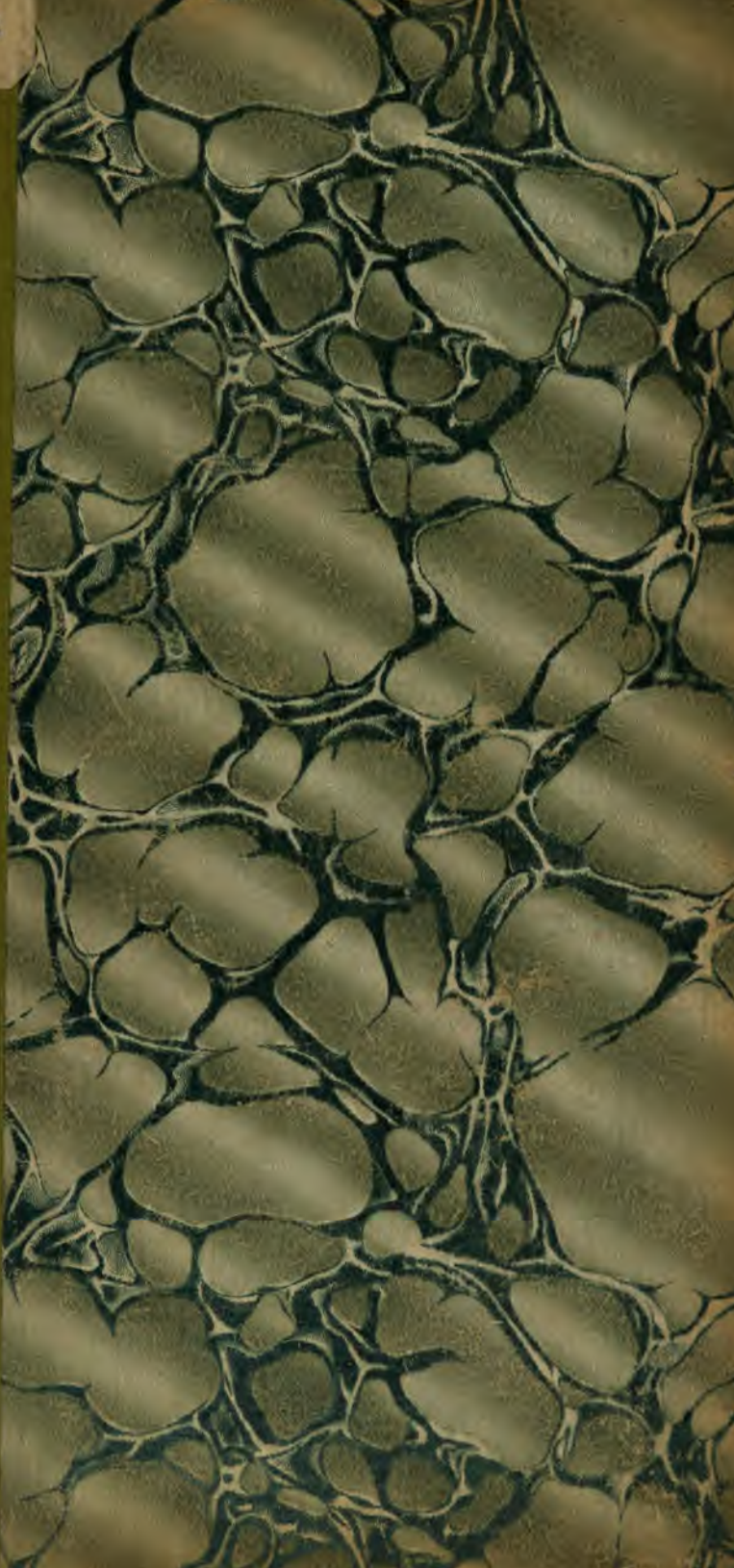
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**THE BEQUEST OF  
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1918





**DISCOURSE**

**BEFORE THE**

**PHI BETA KAPPA SOCIETY**

**OF**

**BROWN UNIVERSITY.**

**DELIVERED SEPTEMBER FOURTH, 1883.**

**By VIRGIL MAXCY.**

**BOSTON:**

**LILLY, WAIT, COLMAN, AND HOLDEN.**

**1883.**

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## DISCOURSE.

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AFTER a separation of more than a quarter of a century, from our venerable *Almâ Mater*, I find myself surrounded by a society of her children. The distinguished honor of this day standing before you, Gentlemen, I do not attribute to the friendly recollection of the companions of my youthful studies : for few are here to stretch forth the hand of recognition. Still less do I impute it to any merit or reputation of my own, that could have attracted the attention of their successors. I ascribe it to the association of my name with that of one, who was long the presiding officer of the flourishing university, to which you are attached, the most active part of whose life was devoted to its service, whose name and fame are identified with its reputation, and whose mingled mildness, dignity, and goodness, equalled only by his genius, learning and eloquence, subdued all envy, made all admirers friends, and



gave him an irresistible sway over the minds of those placed under his care. On such an occasion, and in such a situation, how many affecting associations rush upon the mind and fill the heart with overwhelming emotion! Withdrawn for a moment from the avocations of a busy life, I find myself on classic ground, surrounded by classic associations; and laying aside the cares and troubles of the noisy world, 'I live over again, in an hour of sweet communion with classic brethren, the pleasures of college life.' I fondly recall to mind the haunts, the studies, the rivalries, the springing ambition, the glowing anticipations of youth; I recall the affectionate admonitions, the anxious cares, the exciting encouragement, that accompanied, stimulated and sweetened the toil of study; and moved by so many touching recollections, I would fain linger amidst scenes, consecrated to literature and science, and plight my vows anew at their sacred shrine. At such a moment, it is natural to look back to the time when this university, this city, and this State were familiar to me, and to compare their past with their present situation. Looking towards the university, I see new edifices erected, and the interests of learning signally prosperous under the distinguished men, in whose charge they are placed. Surveying this flourishing and beautiful city, of which that university is the light and the ornament, and looking abroad upon the State, I find their numbers and means of happiness doubled. Raising myself to a still wider view, and casting my delighted eyes over

the broad extent of our great country, I see it advancing in wealth and intelligence, in population and power, with a rapidity hitherto unknown on the globe we inhabit. In contemplating a prospect so cheering to the heart of the philanthropist as well as the patriot, the mind naturally inquires into the cause of that unsurpassed growth, in every thing, that constitutes the happiness, the prosperity, the greatness and glory of powerful nations.

Such an inquiry, connected with an examination into the influence of science and literature in advancing our race to the high pitch of civilization, to which it has attained, and in promoting the improvement of their political condition and prospects, I presume will not be unsuitable to the present occasion.

Rapid as was the improvement of the world after the art of printing and the mariner's compass came to its aid, it was only at the beginning of the last half century, that science, emboldened by its previous acquisitions, directed its principal energies to the improvement of the useful arts and the advancement of the physical condition of man. It has, during that period, with an intensity of application worthy of all praise, occupied itself with the invention of new processes, new implements and new machinery in aid of his natural powers: it has forced from nature her secrets; and by making her hidden energies 'the servants of human will,' it has achieved victories more glorious than the conquests

of all the conquerors of the world. The progress it has made will be best illustrated by the statement of a few facts.

By means of machinery, the people of London are supplied daily with twenty-nine million gallons of water, at an expense of about one penny for a hundred gallons. To furnish this quantity by hand, without the aid of machinery, would require the labor of eight hundred thousand able bodied men — more than four times as many as London contains — at an expense equal to the whole revenue of the United Kingdom.

Before the inventions of Sir Richard Arkwright, fifty thousand people only were employed in manufacturing about two million pounds of cotton. When those inventions were introduced, the apprehension was entertained that it would take employment from the laboring class. Instead of that being the case, however, the cotton manufacture in England now gives employment, directly or indirectly, to more than two millions of people, requires an importation of three hundred million pounds of cotton, and creates for export, after deducting its home consumption, a value of eighty million dollars. It was calculated, says Lord Brougham, that the spinning machinery of Lancashire county alone produced, in 1825, as much yarn as would have required twenty-one million, three hundred and twenty thousand persons to produce with the distaff and spin-

dle; a number almost equal to the whole population of Great Britain. The man is now living, who first introduced into the United States the machinery for spinning cotton, one hundred million pounds of which are now annually manufactured in the United States, a greater quantity than was manufactured in Great Britain seventeen years ago. The town of Lowell in Massachusetts, in which not a pound was manufactured in 1823, now requires fourteen million pounds of cotton per annum, a much larger quantity than the whole manufacture of the United Kingdom fifty years ago.

. . .

In 1756 there was not a single line of artificial navigation in England. Her roads were small in number, injudiciously cut, and ill kept up. Now she has more than three thousand miles of canal navigation, more than one hundred and thirty thousand miles of turnpike roads of the most perfect kind, and rail roads are in a course of construction in every part of the country, which, aided by the magic power of steam, will send travellers or merchandize with the speed of a bird's flight to the place of their destination.\*

\* In the 'Annals of Queen Anne, Vol. 2, Appendix No. 3,' an account is given of a journey in 1703 of prince George of Denmark from Windsor to Petworth, a distance of forty miles, which exhibits the strongest possible contrast between the roads of that period and those of the present time, not only in England but in the United States. An attendant on the prince states that they 'set out by torch light at six o'clock,

Herodotus tells us, that the great pyramid of Egypt cost the labour of a hundred thousand men for twenty years, in its construction alone; without counting those who prepared and collected the materials. It has been calculated, says Lord Brougham, that the steam engines of England, worked by thirty-six thousand men, would raise the same quantity of stone from the quarry, and elevate them to the same height as the great pyramid in the short time of eighteen hours.

It is computed that the productive power of Great Britain and the United States, with the aid of ma-

and did not get out of the coaches, (save only when they were overturned or stuck fast in the mire,) till they arrived at their journey's end, fourteen hours after leaving Windsor. He says they 'would have suffered very much, if the nimble boors of Sussex had not frequently poised the coach or supported it with their shoulders.' It appears, however, notwithstanding this aid, they were overturned, once in going to Petworth, and twice in returning to Windsor, and broke their coach.

When on occasion of the late tour of the President of the United States to New England, he decided to return to Washington, such are the present facilities of travelling, that he went from Concord, in New Hampshire, to Washington, a distance of more than five hundred miles, in three days and three hours, and notwithstanding his age of sixty-seven years, and a constitution much worn by sufferings and hardships in the service of his country, he felt *rested* on his arrival at his mansion, from the fatigues to which he had been exposed on his way to the north, in receiving the manifestations of respect and kindness from his fellow citizens in the several cities and towns through which he passed.

chinery, is equal to that of the whole human race without it.

Such are the triumphs of science and art. Such the contrast between the poor, naked, wandering savage, 'trembling before the elements, which in terror he adores, depending on his solitary unaided exertion for food, for arms, for raiment and shelter, and the civilized man, strong in science and the resources of society.' Armed with these, he fells the forest, subdues the teeming earth, rears the comfortable dwelling or gorgeous palace, sends roads through the hitherto impenetrable glen and over the precipitous mountain, clears out rivers for navigation, or cuts new channels for their waters, goes abroad on the ocean, and guiding his course by the shifting winds, mixes the whitening sail of his enterprize with the clouds of every clime; or subjecting to his control a power that defies both wind and tide, presses directly to his object, with a rapidity hitherto unknown; or transferring the tremendous energies of steam to the land, he flies through space with a velocity which seems to annihilate both time and distance.—Aided by science he rises up into the heavens, measures the magnitude of the glorious sun, traces the laws of his planets, wheeling in splendour round him, attended by their shining trains of obedient satellites, pursues with more than imagination's speed the blazing comet into the fields of boundless space, or turning back to the rolling globe, to which he belongs, plunges into its hidden recesses, lays open its

mineral wealth, draws forth the glittering silver and gold, and the still more precious iron and coal; or emerging thence, he arms himself with the power of the elements, 'makes fire and air and earth and water, his ministering servants, and standing as it were on the confines of nature, seems, as by a magic talisman, to give energy and life to the brute elements of matter.'

Let us now consider the effect which this wonderful improvement of the physical and intellectual condition of man is destined to have on his political prospects. In general, throughout Europe, during the last hundred years, learning has received countenance and encouragement from government, and the press has been free in the examination of scientific and literary questions, while more or less restraint, (except in England) has been imposed upon the freedom of political discussions. The science of government, therefore, has made less progress than the physical sciences. Still however the universal activity of mind, which has distinguished the last century amongst educated men, could not be entirely restrained within the limits, desired by arbitrary governments, but has embraced, within the sphere of its examination, the true foundation and nature of social order, and the legitimate end of political institutions; it has dispelled from that class the illusion of the divine right of kings; it has taught even absolute monarchs to respect public opinion, and softened down the harsh features of practical

despotism ; and whatever dispute still exists about the right of the people to choose and make the form of their own government, it has extorted from the possessors of power the acknowledgment, however inconsistent with their practice, that the legitimate object of government is the welfare of the people. The knowledge of the rights of man, thus extended amongst the enlightened classes of society throughout Europe, has created a sympathy of feeling, which is destined to increase, as the light of truth advances, and will finally acquire a strength and energy, which cannot be resisted. It is not in the nature of man to sit down quietly and witness habitual violations of his own rights and those of his fellow men. The principle of self love is constantly at work to stimulate him to resist them. The general diffusion of education and knowledge amongst the officers of government makes them less passive instruments of oppression. The change in the art of war, brought about by the invention of gunpowder, rendered science and scientific men necessary for carrying it on, and has thereby weakened the power of despotism. Every improvement in modern civilization, which calls for the services of educated men, has the same tendency. The introduction of machinery, and in general the application of science to the useful arts, have contributed to the same effect, not only by rendering well educated men necessary in the business of the present advanced stage of society, but by increasing wealth, it has multiplied the number of men, whose time is not



occupied in procuring subsistence, and who have leisure to devote themselves to study and reflection.

From the operation of all these causes combined, learning has been widely extended, and the sympathy, which exists between all branches of knowledge, has stimulated political inquiry, however checked by power, throughout the civilized world. That inquiry has shown the oppressive character of the prevailing forms of government, and lighted up in the hearts of the people a flame, which, like volcanic fire, has spread beneath despotic thrones, and given those premonitory shocks, which precede convulsion. It has filled with perplexing 'fear of change' the hearts of their occupants, who attempt by chains of human manufacture to bind down the explosive force of nature. They have armed a million of men for the preservation of order in Europe, and attested thereby the strength of the oppressors' fears and the advancing knowledge of the oppressed.

What a gratifying contrast is presented by our own country, where not a soldier is required to enforce the law, and where the elements of social order, though occasionally raised into threatening waves by a sudden blast of party, yet like the well balanced ocean, agitated by the passing storm, soon subside, by their own natural gravitation, into an equable and healthful motion, under the ever purifying breezes of freedom.

With such an example before it, it is impossible that enlightened Europe can much longer remain subject to the dominion of brute force. It is impossible, when we behold the achievements of mind in the last half century in raising man to the high intellectual and moral being of civilization, such as we there behold him, to believe that while every other science has wrought miracles of improvement, political science is to stand still, and that government alone is to make no advances in the midst of the current, which propels every thing else forward towards perfection.

Whatever restraints have been imposed upon political discussion on the Continent of Europe, in England, our Father-Land, the press has been free, the sources of its greatness have been traced, the numerous evils under which it labours have been subjected to the scrutiny of close investigation, and reform of abuses has begun. Enquiry the most persevering and laborious, aided by the lights of universal history, has resulted in the development of these great political truths : — that the essential elements of national prosperity are the freedom of industry and the security of its acquisitions : — that the great vice of all governments, in civilized nations, is too much regulation : — and that the great and paramount object, I had almost said the only legitimate object of all political institutions, whatever their form, is the establishment of justice, to prevent man from doing injury to his brother man ; and after that

to leave him unshackled in all his pursuits, and to entrust his well being to the guardianship and sagacity of an enlightened self-interest.

Let these truths prevail and guide the spirit of reform in that great nation ; let the legislation of the country abolish the abuses which have arisen from a neglect of them, and bring back the administration of its government to their practical observance, and England will become the political model of Europe, as she has hitherto been its exemplar in other improvements of civilization.

It is to a violation of these fundamental principles in legislation, that England, possessed of an aggregate of wealth, never enjoyed by any other nation, is nevertheless obliged to expend more for the relief of pauperism than any other country. It is believed that the productive power of England, with respect to every thing that constitutes the necessaries, the comforts, the conveniences and luxuries of life, has in the last century been multiplied more than ten fold : and on the supposition that the population has doubled in the same period, there are still five times as many of the necessaries and conveniences of life, in proportion to the population, to be divided amongst them. How happens it then that pauperism has increased nearly in the same ratio ? Why is it that we see the nobility and great capitalists becoming princes, with revenues equal to that of King William, the Conqueror, and more than twice

as large as those of some of his successors, and numberless labourers sinking into paupers? Let us devote a few moments to the examination of this subject. It may furnish useful lessons for our instruction.

An effect so striking as the one alluded to must be attributed to some general cause, which is in constant operation in Great Britain to prevent a proper and just distribution of the abundant productions of her industry. That cause can be nothing less than defective legislation. That this should be partial and unjust will appear surprising to no one, who looks at the composition of Parliament, and sees that the power of making laws is in the hands of the great land-holders and capitalists. In England we witness a result, which has taken place throughout all time, and in every country, in which the taxing power has been confided to one class. We see the favoured class doing what individuals daily and constantly do, preferring their own interest to that of all others. We see a legislative body, exclusively representing property, shaping its legislation for the benefit of property, and neglecting the interests of labour, which has no representation. That this has been done is proved, beyond all doubt, by the finance accounts laid before Parliament, last year. It appears from them that the gross revenue of the United Kingdom exceeded the enormous sum of fifty-four millions sterling — that of this sum forty-one millions were derived from duties

on articles, that are classed among the necessities of life, and less than five millions from direct taxes on property.\*

However true it may be, that taking all objects of expense into consideration, consumption in general is proportioned to income, yet this is not true as respects the necessities of life. Of many of these the consumption of the labourer, (and of course as to them his tax,) is equal to that of the capitalist with millions. A duty on salt will present a clear illustration of this position. The Marquis of Stafford will individually consume no more salt, and of course pay no more tax for his individual consumption, from his income of a million and a half of dollars, than the poorest labourer on his domain from his hard earned pittance. Such a duty therefore operates as a poll tax — a tax which our general government is forbidden to impose, and which the humanity and justice of most of our state governments have abolished.

Such is the oppression of a system of taxation, which derives its principal revenue from duties on the necessities of life. Enormous and manifest as it is, however, although relaxation on particular articles may, to quiet clamour, occasionally take place, yet this system of taxation will prevail so long as property only is represented in parliament. If

\* *Vide* Pebrer on the Taxation, Debt, &c, of the British Empire, page 481, &c.

proof be wanting, it will be furnished by the result of the contest, that took place after the downfall of Napoleon. While his success threatened the subjugation of the world, fear extorted in Great Britain — what a sense of justice would never grant, — an income tax of ten or twelve million pounds per annum. All persons having a less income than fifty pounds per annum being exempted from this tax, it was in reality a tax on wealth. After Napoleon's defeat and the re-establishment of peace, on the question, whether, in the repeal of taxes, labour or capital should be relieved, the Parliament representing the property-holders of the kingdom, true to the impulse of interest and deaf to the cry of justice, repealed the income tax, and left the burden on the necessities of life.

If in the distribution of the revenues of the government, the labourer could receive back his proportionate share of the contribution, the equilibrium would in some measure be restored, and, as when exhalations from the earth are returned back in dews and rain, no exhaustion would ensue. But as the office holders, the commanders in the navy and army, the contractors and others, who receive the great mass of the public money, do not belong to the lower classes of society, the operation of the present system of taxation and expenditure is the same as would be that of nature, had the Almighty Creator ordained, that the moisture, drawn from the whole surface of the earth, should be poured down

on the lofty mountains alone, leaving the plains and valleys to barrenness and poverty.

But little relief therefore will be derived from the late reform of the British Parliament, although the representation may have become less dependant upon the great land-holders, so long as it shall be confined to the capitalists or property-holders and the voice of labour, one of the great sources of production, cannot be heard in the Hall of Legislation. So long as this shall be the case and human nature remains what it now is, and always has been, property will be favoured and the principal burthen of taxation will rest upon labour. The rich will grow richer and the poor will grow poorer amidst the abundance which surrounds them, until the insurrectionary force of distress and suffering can be no longer repressed.\* Military force will then be of no

\* In the first article of the Metropolitan (London,) Magazine of July last, a statement is made of the expenses of a man with £200 a year and his family consisting of a wife, three small children, and a maid servant, which shows that the amount of taxes he pays in the purchase and consumption of necessaries, is £80, 10s, 4d.

A statement in the same article, founded on parliamentary returns, shows the rapid increase of wealth in England from 1805 to 1831, by the increase of the Legacy and Probate duties which were in 1805, £494,648, and in 1831, £2,021,398.

The same article shows the rapid increase of pauperism in the same period, the poor rates amounting in 1805 to £4,267,963; and in 1830 to £8,279,218. Crime seems to have increased in a still greater ratio, the commitments in 1805 being 4,605, and 20,829 in 1830.

avail. It will be shaken off without effort, like the dew drop from the roused lion's mane, and revolution by violence must ensue. This calamity can be avoided only by a degree of virtue, justice, wisdom and moderation, which is not to be expected from Parliament, as it is now constituted, after closing their ears so long to the teachings of political science, which had demonstrated, beyond the reach of refutation, the nature of the evil, and pointed out the remedy.

It is our duty to learn wisdom from the experience and sufferings of other nations.

In the humble attempt, which I have made, to show the powerful agency of science and literature, in advancing man to the high intellectual, moral and social condition of civilization, I have presented to you a particular view of the progress of that nation of the old world, which has carried civilization to the highest pitch, and now exhibits a spectacle of wealth and power, which the earth no where else presents, or ever has presented to the contemplation of the philosopher and statesman — a nation moreover, where the press is free and the principles of liberty are well understood, and yet at this moment in danger of being dashed from its dazzling height of glory and prosperity into the fearful abyss of anarchy. In that nation the Executive power is limited and, according to the theory of the government, cannot oppress, and justice between man



and man is administered with a purity and impartiality never yet surpassed. But the legislative power represents the wealth of the country and is under its control. It has therefore thrown the burthens of society from property, for the protection of which they are chiefly required, upon the labouring class, who have little property to be protected, until desperation in that class threatens the entire destruction of their patriotism.

It might be useful to enquire how far the inequality and injustice of the British system of taxation have been imitated, in this country, by the imposition of heavier duties on necessaries, than on luxuries ; but time allows me only to call your attention to the great lesson, which the example of England inculcates — that the legislative body should be responsible to *all* the interests, which its legislation is to affect — and that, if it be not, oppression of the unprotected interest will as surely follow as that man will love himself more than his fellow : and to enquire how far our forms of government leave us exposed to oppression from this cause.

On first inspection, our security would seem to be perfect. Suffrage is almost universal in both our state and general governments, and of course all interests are represented. But the selfish principle accompanies man in all situations and under all circumstances, and a majority of numbers is no more exempt from it than individuals. The major-

ity therefore will oppress and throw an undue share of the burthens of government upon the minority, or promote its own interest at the expense of the minority, unless there be interposed, for the protection of the latter, some check upon this selfish principle. In general, a sufficient check may be found in the responsibility attached to the representative principle, provided the constituents of the majority have interests similar to those of the minority; for the presumption always is, where the interests of the majority and the interests of the minority which are to be affected by legislation, are the same, that the majority will be right and the minority wrong. This is the great and fundamental principle not only of our government but of all free representative governments. Where power therefore is given at all, it must, of necessity be given to a majority of the body, which exercises it; but still, even in such cases, where the interests of the whole body of constituents are similar and nearly uniform as is generally the case in our state governments, so jealous of power were our ancestors, that they interposed many restrictions upon the majority. Witness the Bills of Rights and the prohibitory clauses in most of our state constitutions. They have considered some rights inalienable, and too sacred to be the subject of legislation at all, however large the majority and how much soever controlled by responsibility. In such cases, the LIBERUM VETO has been given to the individual citizen, who, entrenching himself behind the ramparts, thrown about his

sacred rights by the constitution, may smile in conscious security and bid defiance to the millions that compose the rest of the community, to which he belongs.

The saying so common, that '*the majority ought to rule,*' is therefore to be received with many restrictions. It is true *only* in one sense, and that is, that the majority ought to rule *in matters committed to its control by the constitution*, and in no others. Indeed the paramount object of all free constitutions is to limit the power of the majority and to regulate its exercise. The very definition of Despotism is unlimited and irresponsible power: and despotism is not the less inexorable for being in the hands of many, instead of one or a few. Beyond the limits assigned by the constitution, a majority has no more right to rule than the minority, or an individual. The majority, though it consist of a million to one, has no more right to decide, that my property shall be given to another, or to prescribe my religious faith, than has a minority or an individual. On the other hand, there is another saying, which is admitted to be true in all cases, and that is, that '*the minority ought not to rule.*' The sphere of its action, like that of an individual, is not to rule, but to resist the exercise of power, not given by the constitution. It may stop the unauthorized action of a majority, but cannot act itself. It may refuse obedience, where no right to command is given, though it cannot itself in any case command. In a word, its proper office is

to defend the limits of the constitution against the ever-active tendency of the majority to encroach upon them.

Let this clear distinction be kept in mind, while we pursue the inquiry how far our forms of government exempt us from oppression.

The right of suffrage in our country being almost unlimited, the representation of all interests is so complete, and the responsibility of the representative so direct, that there is but little danger of a violation of justice in a small territory, where interests, as is generally the case in our state governments, are uniform. Hence, in the formation of the state constitutions, the principle of responsibility has been chiefly relied on for the protection of the minority, and a very different rule from the one adopted by the framers of our federal constitution—indeed an opposite rule—is followed. Our state constitutions consist almost entirely of provisions to restrict and regulate the exercise of power by the majority, and to prohibit it altogether in a few instances, leaving all matters not excepted, subject to the action of the legislative power.

The object of the framers of our federal constitution was altogether different. They were fully impressed with the truth, that responsibility of representatives is a security against oppression, only when that responsibility is to constituents, whose interests are to be affected. Whatever be the theory of our

federal constitution, as respects the representatives, whether each individual Member of Congress is to be considered as the representative of the United States, or only of the State or district where he resides, he will in practice feel no controlling responsibility, except to those, on whose votes he depends for his place. If the interest, therefore, of his immediate constituents be adverse to that of a different state, it is manifest, that the principle of responsibility is a source of danger, instead of security, to the latter. If the interest of the constituents of a majority of representatives should be adverse to the interest of the constituents of a minority, it is the direct interest of that majority to oppress the minority. Fully sensible, therefore, of an uniformity of interests being necessary to make representative responsibility an effectual barrier against oppression, the framers of our Federal Constitution directed their first attention to a selection of those objects for its control, in which all parts of our widely extended country had a common and similar interest, and to limit the power of the government to such objects. They were fully convinced, that no one government could be constituted, which would be adequate to enlightened and just legislation over interests, as diversified and opposite as the climates and soils of the union. They, therefore, wisely determined to leave all interests of a local character to the regulation and protection of the local governments, and to select a few objects of a general nature for the control of the general government,

which, from the necessity of co-operation amongst all the States, required regulation and protection by a common power. These objects were to make uniform the taxes and duties, which should be necessary to pay the debts and provide for the common defence and general welfare of the United States—to borrow money—to regulate commerce, and establish uniform laws of bankruptcy and naturalization—to coin money and fix the standard of weights and measures—to establish post offices and postroads—to dispose of and regulate the territorial and other property of the United States—and to carry on war.

These are the great objects submitted to the control of the general government, in which the whole union have manifestly a common interest. To the accomplishment of these objects its legislative power is confined, and to guard against its constructive extension to other objects, it was afterwards thought necessary to make an addition to the constitution, containing an express declaration, that the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This wise precaution for the preservation of harmony and for security against oppression, by the limitation of the legislative power of the general government to objects of common concern, will be defeated by a loose construction of the powers conferred on it. To ascertain what powers belong to the federal gov-

ernment, you do not, as in case of the state governments, ask what powers are prohibited, taking for granted, that all others are given; but, you ask what are given, taking for granted, that all others are forbidden.

From these considerations, the propriety of a strict construction of the constitution, and confining the action of congress to the *objects* pointed out by it, seems hardly to admit of a doubt, however proper may be a liberal interpretation of the *powers*, necessary to be called into exercise, for the accomplishment of those *specified objects*. The objects themselves are few in number, pointed out with great precision, and obviously of common concern. So long as congress shall confine its legislation to these, there is very little danger of the harmony of the country, and none of the Union of the States being destroyed. But the moment congress shall pass these limits and extend its legislation to the field of doubtful power, and to objects not of common concern to all parts of the country, discord will spring up, and jealousies between the States will multiply, and bring on that estrangement of feeling, which alone can jeopard the continuance of the Union. It is a maxim with lawyers, that it is the part of a good judge to enlarge his jurisdiction. The reverse is true of the legislative power, whether in the general or state governments. The great evil of all civilized governments has been too much regulation. They have always manifested an overween-

ing desire to control by legislation the business of society, and by the interposition of government, to save men from ruin in the management of their own concerns, which are always safest, when left to the guardianship of private judgment, quickened and rendered sagacious by personal interest. They forget, that the essential object of all governments is to restrain individuals, in pursuit of their own interests, from injuring others, and beyond that to leave to individual exertion the freest scope; to encourage all by the establishment of perfect freedom of industry and security for its acquisitions — in a word, to *protect* all and *support* none: for it is as impossible in the political world to raise, by partial encouragement, one interest above its just level, without a corresponding depression of some other interest, as it is in the natural world to raise a weight by a lever, without an equal pressure downwards on its fulcrum.

If such be the conclusions, to which the most rigid deductions from the well established principles of political science lead us, so a policy in conformity with them appears to be sustained by reasons, drawn from the soundest political expediency. And has not experience taught us the same lesson? Do we not even now hear in the distance the sound of the subsiding storm, which an alleged departure from that policy raised? — of that storm, which threatened shipwreck to the richest freight of human liberty and happiness, that ever floated on the stream of time? While it raged, who, that loved his country, did not ask himself the solemn question, What inter-



est, that I will not sacrifice on its altar, have I, in maintaining any policy, that endangers the Union? What treasure do I possess, save liberty alone, which I can compare in value with the Union—that union which gives us strength, security, power, greatness, glory—the precious bequest of our fathers, the hope of our children?

Let the national legislature exercise no questionable power, let moderation and justice govern our counsels, and our union, notwithstanding the wide extent of our country, shall be immortal. In ancient times, the sympathy of feeling, necessary to the maintenance of republican government, could hardly be extended beyond the voice of the orator, who addressed the assembled people. To our frame of society, the press, the mail and the steam engine supply nerves, that vibrate common sentiment from one extremity of the body politic to the other, and convert the whole American people into one vast auditory, thrilling with the eloquence of the unseen orator in the Capitol.

To the means, thus furnished by modern improvements, of informing the intelligence and of rousing the patriotism of the people at the same time, from Maine to Louisiana, from New Jersey to Missouri, and nerving them for the defence of their country, science will soon add the means of rendering that country invincible and almost invulnerable. It is rapidly forming lines of rail road, on which steam

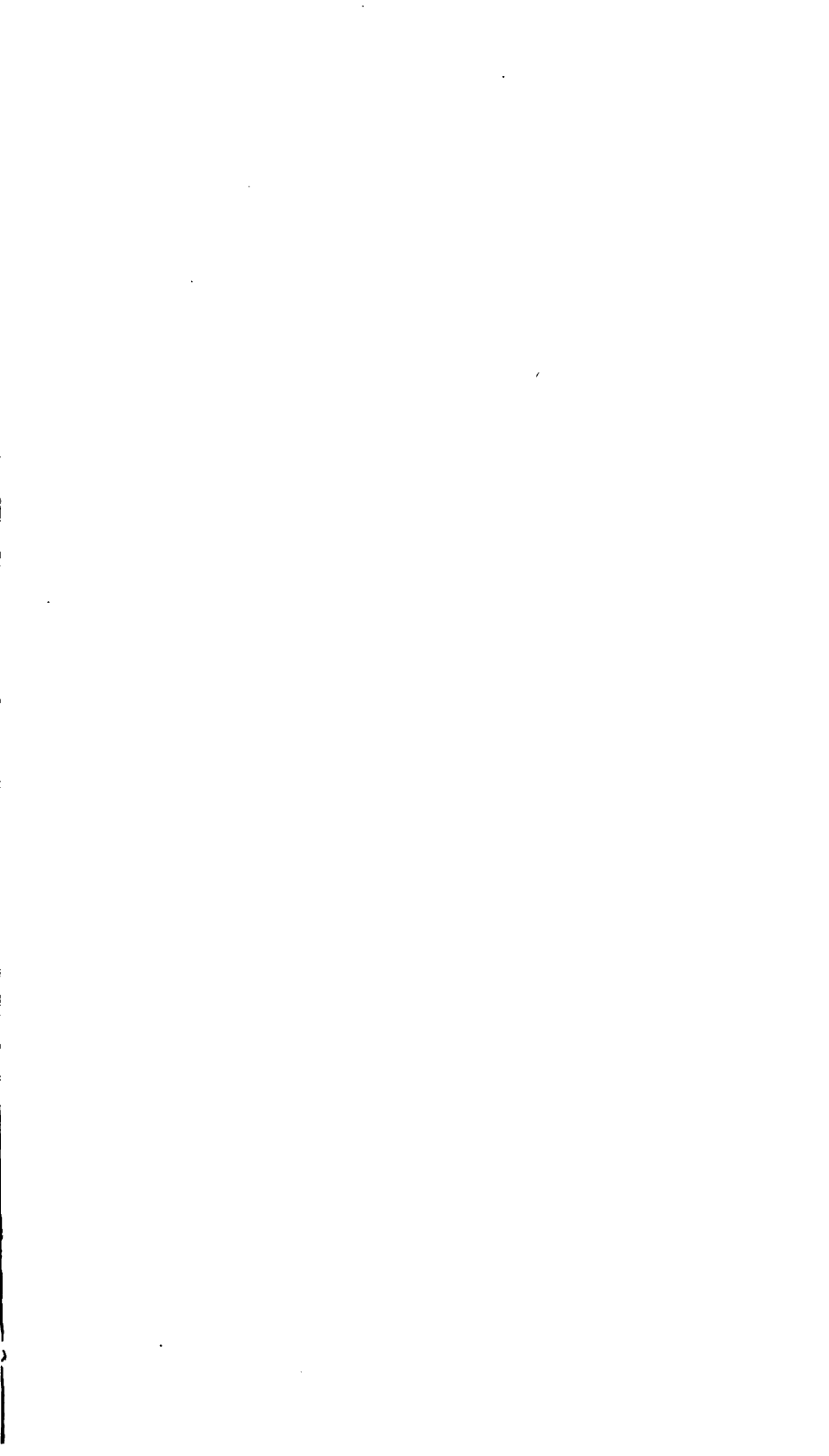
engines may convey, from every part of the union, the physical force of the country, and in a few days concentrate it at the point of invasion. The same channels of communication will convert distant cities into neighbours, facilitate the most rapid interchange of their respective products, and thereby bind the most remote parts together by the strongest ligaments of interest. And who shall say, that these improvements are not destined to elevate and advance the moral, social, intellectual and political interests of our country in the same ratio they will meliorate its physical and commercial condition? The last half century is an æra of wonders. Who that, in the beginning of it, should have predicted the progress we have made, would not have been set down as a madman? Looking backward at the space we have passed, with the means heretofore possessed, who shall foretell our future progress under the impulse of our multiplied means of future advancement? Our movement is onward with an accelerated velocity, at which the mind is bewildered, as a man propelled by steam on a rail way grows dizzy, when he looks abroad and realizes the rapid motion, that bears him forward. As freedom gives the impulse to this unexampled improvement, so science and literature will furnish the means of unlimited progress. As the rapidity of our movement must depend upon the extent of these means as well as the vigour of this impulse, what glory and happiness might we not anticipate for our country, if our science and literature were proportionate to our Freedom!

What duties does not this consideration impose upon all, who have the happiness to live under such a government as ours ; more especially upon those, who, like the members of this Society, have enjoyed the highest advantages of education. You, Gentlemen, having finished your collegiate course, have formed an association for the purpose of furthering the interests of literature and science. Your undertaking is a noble one, your cause is the cause of virtue and your country ; for in no way can you sustain virtue or serve your country so effectually as by the promotion of learning. To that country you are indebted for the precious privileges of unshackled freedom of thought and action. How strong then your obligation to devote yourselves to her service ! That country gives you equal rights and places before all, without reference to birth, or rank, or fortune, all her honours and distinctions, as rewards of merit, and presents the widest theatre for the display of talent and public virtue. What stimulants these to perseverance and energy of exertion in her cause ! That country exhibits to the world, a model of government founded on justice and nature—a model, which the southern republics have sought to imitate, and which the enlightened and liberal in Europe look to with curiosity, admiration and desire—with curiosity to see the final issue of the hitherto successful example, here presented, of man's capacity of government by reason :—with admiration at a constitution, which, without the aid of physical force,

by the power alone of its own inherent moral energy, has preserved law, and order, and liberty, and property, and reputation, and life, without stain from the blood of a single traitor, during a period, in which all the governments of continental Europe, which reproach republics with instability, have been overturned and re-established by treason from within, or force from without, and to preserve which from overthrow, even now in a time of peace, more than a million of armed men are required : — and with desire, if the experiment be successful, that Freedom may find shelter under similar institutions in the old world.

That country, which by its silent but powerful and peaceful example, is teaching liberty to mankind, and reanimating a desponding world with hope, — that country may justly excite all your patriotic pride and claim all your love and devotion. To you and such as you, throughout her borders, who are raised by education to a comparative superiority in intelligence, that beloved country confides the care of her illustrious institutions. Receive them with reverence, and awe, and enthusiasm. Consecrate to their preservation all the devotion of your hearts, all the strength of your hands, and all the energy of your souls. Vow to transmit the sacred deposit unimpaired to a virtuous posterity : — and may He, who holds in his hands the fates of men and the destinies of empires, crown your efforts with success !







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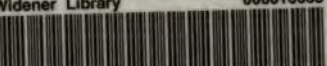
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